

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ELLEN F. ROWAN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. C22-0781-DGE

**ORDER DENYING APPLICATION  
TO PROCEED IN FORMA  
PAUPERIS**

Plaintiff seeks to proceed *in forma pauperis* for an action seeking judicial review of the administrative decision denying her application for Social Security benefits. (Dkt. No. 1.) For the reasons discussed below, the court DENIES Plaintiff's application to proceed *in forma pauperis*.


The district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigence. 28 U.S.C. § 1915(a). "To qualify for *in forma pauperis* status, a civil litigant must demonstrate both that the litigant is unable to pay court fees and that the claims he or she seeks to pursue are not frivolous." *Ogunsalu v. Nair*, 117 F. App'x 522, 523 (9th Cir. 2004), *cert. denied*, 544 U.S. 1051 (2005). To meet the first prong of this test, a litigant must show that he or she "cannot because of his [or her] poverty pay or give security for the costs and still be able to provide himself [or herself] and dependents with the necessities of life." *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948) (internal alterations omitted).

1 Plaintiff has not shown she is unable to pay the full filing fee to proceed with this lawsuit.  
2 Her application shows she is presently employed with a net monthly salary of \$800. (Dkt. No. 1  
3 at 1.) Plaintiff has \$200 cash on hand, \$285 in her checking account, and \$563 in her savings  
4 account. (Dkt. No. 1 at 2.) She asserts her house, property, and car are worth \$701,401. (*Id.*)  
5 Plaintiff's monthly expenses include \$500 to take care of her adult son who has mental health  
6 issues and \$3,800 for "household expenses, business expenses, mortgage. (*Id.*) When asked to  
7 provide more information to explain why she cannot pay court fees and costs, Plaintiff answered,  
8 "I've been working, but due to increasing health issues (chronic pain) need to decrease time  
9 doing physical labor. Not able to sustain." (*Id.*)

10 When a claim of poverty is made under Section 1915, "it is proper and indeed essential  
11 for the supporting affidavits to state the facts as to affiant's poverty with some particularity,  
12 definiteness and certainty." *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981). Based  
13 on the information provided, the Court cannot say Plaintiff has properly done so in her  
14 application. Notably, Plaintiff's monthly expenses exceed her monthly income, but she does not  
15 explain if, or how, she is able meet those expenses. Without more information, the Court is  
16 unable to determine the entirety of Plaintiff's financial situation and therefore unable to  
17 determine whether she "cannot because of his [or her] poverty pay or give security for the costs  
18 and still be able to provide himself [or herself] . . . with the necessities of life." *See Adkins*, 335  
19 U.S. at 339 (internal alterations omitted). Should Plaintiff provide additional information or  
20 clarification, Plaintiff may reapply to proceed *in forma pauperis*.

21 Accordingly, Plaintiff's application to proceed *in forma pauperis* is DENIED WITHOUT  
22 PREJUDICE. Plaintiff has 30 days from the date of this order to pay the full filing fee or reapply  
23 to proceed *in forma pauperis*. If the filing fee or a new application is not received within 30  
days, the clerk's office is instructed to dismiss this action WITHOUT PREJUDICE.

1 DATED this 9<sup>th</sup> day of June 2022.

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4 David G. Estudillo  
5 United States District Judge  
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